

Petitioner is represented by counsel:

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NP
6

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name Merino Mario RICHARD W. WIEKING
(Last) (First) (Initial) CLERK
Prisoner Number V-45472 U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.
Institutional Address Mule Creek State Prison:
C-11-217U, P.O. Box 409060, Lone, CA 94560.,

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MARIO MERINO

(Enter the full name of plaintiff in this action.)

vs.

WARDEN, MULE CREEK STATE PRISON

MICHAEL MARTEL

(Enter the full name of respondent(s) or jailor in this action)

C08 03231

Case No. CW
(To be provided by the clerk of court)

**PETITION FOR A WRIT
OF HABEAS CORPUS**

Read Comments Carefully Before Filling In

When and Where to File

BY FAX

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

PET. FOR WRIT OF HAB. CORPUS

- 1 -

C/CW

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or
 3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which
 4 you are imprisoned or by whom you were convicted and sentenced. These are not proper
 5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief
 7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose
 8 custody you are now and the Attorney General of the state in which the judgment you seek to attack
 9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

12 (a) Name and location of court that imposed sentence (for example; Alameda
 13 County Superior Court, Oakland):

14 Santa Clara County Superior Court San Jose, CA

15 Court Location

16 (b) Case number, if known CC328533

17 (c) Date and terms of sentence 15 years to life in prison

18 (d) Are you now in custody serving this term? (Custody means being in jail, on
 19 parole or probation, etc.) Yes X No

20 Where?

21 Name of Institution: Mule Creek State Prison

22 Address: P.O. Box 409099, Ione, CA 95640

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for
 24 more than one crime, list each crime separately using Penal Code numbers if known. If you are
 25 challenging more than one sentence, you should file a different petition for each sentence.)

26 Aggravated assault on a child under 14 and 10 years younger than the defendant.

27 Cal. Pen. Code sec. 269.

28 _____

*Ground One was raised on direct appeal. Ground Two & Three on state habeas.

1 petition? See *, above. Yes ____ No ____

2 (c) Was there an opinion? Yes X No ____

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?
4 Yes ____ No X

5 If you did, give the name of the court and the result:

6 Not Applicable.

7
8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to
9 this conviction in any court, state or federal? Yes X No ____

10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that
11 challenged the same conviction you are challenging now and if that petition was denied or dismissed
12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit
13 for an order authorizing the district court to consider this petition. You may not file a second or
14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28
15 U.S.C. §§ 2244(b).]

16 (a) If you sought relief in any proceeding other than an appeal, answer the following
17 questions for each proceeding. Attach extra paper if you need more space.

18 I. Name of Court: Santa Clara County Superior Court

19 Type of Proceeding: State habeas corpus petition.

20 Grounds raised (Be brief but specific):

21 a. [1] "Griffini" error.

22 b. [2] Ineffective assistance of counsel.

23 c. _____

24 d. _____

25 Result: Denied Date of Result: 7/20/07

26 II. Name of Court: California Court of Appeal, 6th App. District

27 Type of Proceeding: State habeas corpus petition.

28 Grounds raised (Be brief but specific):

a. "Griffin" error.
 b. Ineffective assistance of counsel.
 c.
 d.
 Result: Denied. Date of Result: 10/3/07

III. Name of Court: California Supreme Court
 Type of Proceeding: State habeas corpus petition.
 Grounds raised (Be brief but specific):
 a. "Griffin" error.
 b. Ineffective assistance of counsel.
 c.
 d.
 Result: Denied. Date of Result: 6/11/08

IV. Name of Court: _____
 Type of Proceeding: _____
 Grounds raised (Be brief but specific):
 a. _____
 b. _____
 c. _____
 d. _____
 Result: _____ Date of Result: _____

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court?
 Yes _____ No X

Name and location of court: _____

B. GROUNDS FOR RELIEF

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened? Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: "DOYLE" ERROR

6 See Attachment "A", immediately following, incorporated by reference.

7 Supporting Facts:

11 Claim Two: "GRIFFIN" ERROR

12 See Attachment "A", incorporated by reference.

13 Supporting Facts:

17 Claim Three: INEFFECTIVE ASSISTANCE OF COUNSEL

19 Supporting Facts: See Attachment "A", incorporated by reference.

23 If any of these grounds was not previously presented to any other court, state briefly which
24 grounds were not presented and why:

25 a. Claims based on allegations of ineffective assistance of counsel were
26 properly raised, pursuant to state law, in the first instance on state habeas corpus.

27 b. To the extent that the "Griffin" claim should have been brought on direct appeal,
28 the failure to do so resulted from ineffective assistance of counsel.

ATTACHMENT "A"

Merino v. Martel

Petition for Writ of Habeas Corpus By a Person In State Custody, Q. 9B
"GROUND FOR RELIEF"

Ground One

"DOYLE" ERROR

[*Doyle v. Ohio*, 426 U.S. 610 (1976)]

a. Supporting Facts

1. Petitioner and his wife Heike had been married seven years and had two children, a 6-year old son and a 4-year-old daughter, Megan.

2. Petitioner was charged with molesting Megan on October 1, 2003. At that time, Petitioner was 35 years old, had never been convicted of a felony, and had never been in trouble with the law, and had never been arrested.

3. Petitioner had been married to Heike, a German immigrant, for seven years. Petitioner was branch manager for a local company, managed 20 employees, and made a six-figure salary.

4. Petitioner and his wife had been having serious martial problems for several months prior to the subject incident, and had discussed divorce and child custody. Their arguments, mostly about money and Petitioner's drinking, had gotten so bad that Petitioner and Heike wold not speak to each other for days at a time. The issue of child custody was particularly explosive. Heike would threaten to take the children to Germany and not let them see Petitioner again. In turn, Petitioner would tell Heike that the children were U.S. citizens – unlike herself – and that he would "use every dime he had" to make sure the children stayed with him in the United States. Only about two days before the date of the offense (Oct. 1, 2003), Heike had finally decided to get a divorce.

1 5. At about 9:30 PM, Petitioner was sound asleep in his bed when the police
2 came into his bedroom, arrested him for having molested his daughter, placed him
3 in handcuffs, and put him in a police car. According to Heike, just 15 minutes
4 before the police arrived, Petitioner had forced 4-year old Megan to orally copulate
5 him in the master bedroom.

6 6. Petitioner denied the molestation, and there was absolutely no physical
7 evidence tying him to the alleged sexual assault on the child. Specifically, there was
8 no evidence of Megan's saliva on Petitioner's penis, no ejaculate or any body fluids
9 found on the sheets, and no DNA evidence to corroborate the assault. Instead, the
10 State's case rested entirely on the testimony of 4-year-old Megan and Heike, who
11 admitted that she told her children to lie in the past.

12 7. Heike reported the alleged molestation in to the police while Megan was
13 in the room, such that the child heard her mother repeatedly tell the 911 operator
14 that Petitioner had "put his penis in Megan's mouth."

15 8. Psychologist Ron Meister, who had 22 years of experience specializing in
16 suggestibility in child sexual assault interviews, testified for the defense after
17 reviewing the prosecution's evidence. He concluded that there were several factors
18 signaling that suggestibility played a role in Megan's statements to the police and
19 in her trial testimony. First, Megan had been present when her mother repeatedly
20 told police that Petitioner had put "his penis" in Megan's mouth. Second, when
21 Officer Chavez questioned Megan after she had heard her mother state the
22 foregoing, rather than asking her open-ended questions about what happened, he
23 asked leading questions such as whether "daddy put anything in her mouth."
24 Third, Detective Kaiser began the interview with Megan by using anatomical
25 drawings rather than by waiting for Megan to bring up the subject of anatomy.
26
27
28

1 9. In his trial testimony, Petitioner adamantly denied that he had ever
2 molested Megan. During cross-examination, the prosecutor attempted to discredit
3 that testimony by cross-examining Petitioner about his failure to protest his
4 innocence to the police, even though the reason for that had been Petitioner's
5 invocation of his *Miranda* rights. Petitioner, who had been interviewed at the police
6 station on the night of the incident by Detective Kaiser, had initially agreed to
7 waive his *Miranda* rights; but then, after answering a few innocuous questions by
8 Det. Kaiser, Petitioner formally invoked his right to remain silent and asked to
9 speak with an attorney. Nevertheless, the prosecutor pressed Petitioner on the
10 stand about what he had *not* said to Det. Kaiser. In particular, the prosecutor
11 focused on the fact that Petitioner never expressly denied "molesting" Megan:
12

13 Q. You never said "I didn't molest Megan"?

14 A. No, I did not.

15 Q. Mr. Merino, when you were informed that you were being
16 accused of molesting your four-year-old biological daughter, the
17 only thing you said is, "I have a lot to say about this," fair to say?

18 A. Correct.

19 Q. You *didn't* expand on that?

20 A. No, I did not.

21 Q. Detective Kaiser didn't prevent you from expanding on that, did he?

22 A. No.

23 Defense counsel objected to the latter question and answer. Outside the jury's
24 presence, counsel argued that Petitioner's silence had occurred in the exercise of his
25 *Miranda* rights. The court sustained the objection and told the prosecutor to move
26 on. However, the prosecutor pressed ahead with this same line of inquiry: Again
27 he asked Petitioner why he never told Kaiser "I *didn't* molest her," and Petitioner
28 was forced to admit again that he had never expressly denied the allegation.
Inexplicably, defense counsel did not object to this or to any of the other follow-up
questions by the prosecutor, which Petitioner could not effectively respond to

1 except by referring to Petitioner's silence after invoking his *Miranda* rights.

2 10. The prosecutor exploited Petitioner's post-*Miranda* silence as follows:

3 a. The prosecutor mentioned it in Opening Statement.¹

4 b. The prosecutor referred to Petitioner's silence in Final Argument as
5 evidence of his guilt. For example:

6 (1) RT 534: "And that the Defendant speaks with Detective Kaiser about
7 11:50 and that nobody who sees him visibly upset. Never visibly upset
8 even though he's being accused of child molest."

9 (2) RT 547: The defendant is guilty. And his demeanor and his attitude
10 and his testimony shows it. He's not visibly upset when he's arrested."

11 11. The court instructed the jury, pursuant to CALJIC 2.71.5, that:

12 If you should find from the evidence that there was an occasion
13 where the defendant [one] under circumstances which reasonably
14 afforded him an opportunity to reply, [two] failed to make a denial in
15 the face of an accusation expressed directly at him or in his presence
16 charging him with a crime for which the defendant is now on trial or
17 tending to connect him with its commission, and [three] that he heard
18 the accusation and understood its nature, then the circumstance of his
19 silence on that occasion *may be considered against him as indicating that*
20 *an admission that the accusation thus made was true.*

21 ¹The opening statements were not transcribed, and therefore cannot be
22 reconstructed at this time from the court reporter's notes, which Petitioner objects
23 to as a violation of his right to a complete transcript of the trial. That said, at RT 217
24 et seq. the court summarizes the prior proceedings as follows: During the
25 prosecutor's opening statement, he said that the evidence would show that
26 Petitioner did not "question" the officers about what they were doing and why,
27 when the officers came into his bedroom and roused him. Petitioner's counsel
28 belatedly objected that this infringed upon Petitioner's Fifth Amendment rights, as
anything that Petitioner said could and would have been used against him, and
the court deemed the objection to be "not timely". Nevertheless, the court prohibited the
People from mentioning the defendant's silence during the arrest. At the same time,
however, the People were permitted to introduce evidence to the effect that
Petitioner failed to make a "verbal" response to the contact with the police, and "did
not appear upset". (RT 217-20.) Petitioner contends that the latter violated
Petitioner's 5th Amendment rights just as much as the People's commenting on his
"silence" in the face of the officer's accusations.

1 12. The court gave the above instruction solely based on the prosecution's
2 contention that Petitioner had remained silent in the face of the accusation that he
3 had molested his daughter – which silence, as stated above, was exercised in
4 conformity with Petitioner's *Miranda* right to remain silent. In so instructing, the
5 court acted directly contrary to the warning in the CALJIC Use Notes that "This
6 instruction must not be given in a situation where the failure to reply is based upon
7 defendant's constitutional right to remain silent." Similarly, the Court of Appeal
8 found that: "This instruction should not have been given, as the record showed that
9 defendant's failure to reply in one situation was based upon his constitutional right
10 to remain silent."

12 13. The California Appellate court did not find that no *Doyle* error occurred,
13 but rather noted the facts in support of the *Doyle* claim and then went on to find that
14 any *Doyle* error was harmless beyond a reasonable doubt. The appellate court's
15 finding in this regard was unreasonable because:

17 a. There was no physical evidence tying Petitioner to the charged crime:
18 Megan's saliva was not found on 's Petitioner penis, nor was there any evidence of
19 ejaculate or other body fluids on the sheets taken from the bed where the alleged
20 molestation occurred. The police failed to do a penile swab, thereby making it
21 impossible for Petitioner to have obtained and/or analyzed the results to show that
22 there was no saliva on Petitioner's penis (thus impeaching the contrary testimony
23 by the child).

25 b. Heike was a thoroughly biased witness, whose testimony was motivated
26 by financial considerations, her desire to get custody of the children, and her
27 insecure immigration status. There were inconsistencies in Heike's testimony as to
28 whether the bed was made or not, and whether Heike talked to Megan or not before

1 the police arrived. Also, Heike had told her son to lie in the past about opening some
2 mail.

3 c. Both Megan's pre-trial statements and her in-court testimony were
4 explained by Dr. Meister as the product of improper suggestion to a very young
5 child.

6
7 d. The prosecutor's exploitation of Petitioner's post-*Miranda* silence went to
8 the heart of the defense: Given the lack of any physical evidence, the only possible
9 way to defend against the charge was for Petitioner to testify, contrary to the child
10 witness and her mother, that the molestation did not occur. This made Petitioner's
11 credibility, which the prosecutor improperly impugned, paramount to the defense.

12 e. Trial counsel's failure to object to all of the prosecutor's improper questions
13 was the result of ineffective assistance of counsel. (See Ground Three.)

14 f. The Court of Appeal found, contrary to the evidence, that the prosecutor
15 had not exploited 's Petitioner's post-*Miranda* silence in final argument by
16 emphasizing what Petitioner did *not* say or do in response to the officer's questions.
17 (Cf. RT 534 ["And that the Defendant speaks with Detective Kaiser about 11:50 and
18 that nobody who sees him visibly upset. *Never* visibly upset even though he's being
19 accused of child molest."]; RT 547 ["The defendant is guilty. And his demeanor and
20 his attitude and his testimony shows it. He's *not* visibly upset when he's arrested..."]

21
22 b. Supporting Cases.

23 A. *Doyle v. Ohio*, 426 U.S. 610 (1976).

24
25 When a person under arrest is informed, as *Miranda* requires, that
26 he may remain silent ... it does not comport with due process to permit
27 the prosecution during the trial to call attention to his silence at the
28 time of arrest and to insist that because he did not speak about the facts
of the case at that time, as he was told he need not do, an unfavorable
inference might be drawn as to the truth of his trial testimony.

1 B. *United States v. Caruto*, ___ F. 3d ___, 2008 WL 240558 (9th Cir. 6/18/08,
2 Docket #07-50041.)

3 (1) *Doyle* error extends to those cases in which the defendant initially makes
4 a limited statement after being advised of his *Miranda* rights, but later invokes his
5 *Miranda* rights by declining to speak further with the police. *Id.*, at *8.

6 (2) "Caruto could not fully explain why her post-arrest statement was not as
7 detailed as her testimony at trial without disclosing that she had invoked her
8 *Miranda* rights. Moreover, the prosecution commanded on her failure to explain
9 further what happened. That is the type of penalty for exercising one's Fifth
10 Amendment rights that *Doyle* prohibits." *Id.*, at *11.

11 (3) "Under the harmless error standard we must consider whether it is clear
12 beyond a reasonable doubt that the jury would have returned a verdict of guilty
13 even without the prosecutor's impermissible argument." *Id.*, at *11 "A
14 constitutional error that goes directly to the defendant's credibility usually is not
15 harmless where the defendant's theory of the case is plausible, even if it is not
16 particularly compelling." *Id.*, at 12.

17 C. *United States v. Andjuar-Basco*, 488 F. 3d 549 (1st Cir. 2007).

18 (1) A defendant's 5th Amendment privilege was violated when a law
19 enforcement officer was allowed to testify before the trial jury that the defendant,
20 after initially agreeing to speak with investigators, invoked his *Miranda* rights.

21 (2) *Miranda* draws no distinction between a mid-interrogation assertion of the
22 privilege against self-incrimination and an immediate post-arrest assertion. *Id.*, at
23 *10.

24 D. *People v. Belmontes* 45 Cal.3d 744 (1988); *People v. Farris* 66 Cal.App.3d 376
25 (1977) : When a defendant speaks with police but then invokes his *Miranda* rights,
26

1 broad questions or comments by the prosecutor which refer to defendant's post-
 2 invocation silence violate Due Process.

3 Ground Two

4 **"GRIFFIN ERROR"**

5 [*Griffin v. California*, 380 U.S. 609 (1965)]

6 **The trial court violated Petitioner's rights to Due Process and to**
 7 **a fair trial by permitting the prosecutor to question Petitioner about**
 8 **his silence in response to accusations leveled against him after he**
 9 **had waived his *Miranda* rights, and by instructing the jury that**
Petitioner's post-*Miranda* silence could be used to infer that he was
guilty of the charge contained in the accusation.

10 a. Supporting Facts

11 1. Petitioner incorporates by reference the "Supporting Facts" asserted in
 12 support of Ground One, *supra*.

13 2. Although the giving of an instruction which allows the prosecution to
 14 exploit the defendant's exercise of his *Miranda* rights is not necessarily *Doyle* error,
 15 it does necessarily amount to Griffin error. The Griffin error in this case exacerbated
 16 the harm to Petitioner's Due Process rights that was inflicted by the prosecution's
 17 illegitimate exploitation of the *Doyle* error asserted in Ground One, *supra*.

18 b. Supporting Cases.

19 A. *Griffin v. California* 380 U.S. 609 (1965); see also *Malloy v. Hogan*, 378 U.S.
 20 1 (1964): "The Fifth Amendment forbids either comment by the prosecution on the
 21 accused's silence or instructions by the court that such silence is evidence of guilt."
 22

23 B. *People v. Tealer*, 48 Cal.App.3d 598 (1975): Trial judge improperly
 24 instructed that defendant's silence could be used to infer guilt, where prosecutor
 25 sought to infer guilt from defendant's failure to deny charges to police: net effect
 26 of instruction and improper prosecution comment was that jury could infer guilt
 27 from silence.
 28

1 C. *People v. Modesto*, 66 Cal.2d 695 (1967): Prejudice from *Griffin* error is
2 demonstrated when the improper comment or instruction fills an "evidentiary gap"
3 in the prosecution's case, or "touches a live nerve in the defense."

4 D. *People v. Stout*, 66 Cal.2d 184 (1967); *Griffin* error is reversible unless the
5 prosecution can prove beyond a reasonable doubt that it was harmless.
6

7
8 Ground Three

9 **INEFFECTIVE ASSISTANCE OF COUNSEL**

10 **Trial counsel was ineffective in failing to object to the**
11 **prosecutor's follow-up questioning about Petitioner's post-Miranda**
12 **silence after the court had previously sustained an objection on that**
13 **ground. Appellate counsel was ineffective in failing to combine a**
14 **claim of *Doyle* error with one of "*Griffin*" error on direct appeal.**

15 **a. Supporting Facts.**

16 1. Petitioner incorporates by reference the allegations of Ground One, *supra*.

17 2. Trial counsel performed deficiently in failing to timely object to the
18 prosecutor's references in opening statement to Petitioner's post-arrest silence; and
19 in failing to object to the prosecutor's follow-up questions regarding Petitioner's
20 post-Miranda silence after the court had previously sustained an objection to that
21 line of questioning. This error was prejudicial to Petitioner because, in rejecting his
22 claim of *Doyle* error on direct appeal, the Court of Appeal found, *inter alia*, that
23 "defense counsel failed to object to most of the questions the prosecutor asked
24 defendant regarding his responses to Detective Kaiser's questions, and the court
25 sustained the objection that counsel did raise".

26 3. Appellate counsel performed deficiently in failing to raise a claim of *Griffin*
27 error on direct appeal in tandem with a claim of *Doyle* error. That failure was
28 prejudicial because *Doyle* error is generally limited to damage to the defense caused

1 by the prosecutor's questioning, whereas *Griffin* error encompasses as well any jury
2 instructions which permit the jury to infer guilt from the defendant's invocation
3 of his *Miranda* rights.

4 4. The appellate court's finding that any *Doyle* error was harmless beyond a
5 reasonable doubt is unreasonable because the court failed to take into account the
6 effect of *Griffin* error on top of *Doyle* error, which is the situation here. See also the
7 reasons set forth in ¶13 of Ground One.
8

9 b. Supporting Cases.

10 A. Petitioner incorporates by reference the cases cited in Ground One and
11 Ground Two.

12 B. *Wiggins v. Smith*, 123 S.Ct. 2527 (2003): Trial counsel is ineffective in failing
13 do sufficient pre-trial investigation to be able to make reasonable tactical decisions.

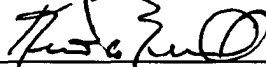
14 C. *In re Wilson*, 3 Cal.4th 945 (1992): Petitioner entitled to habeas corpus relief
15 based on ineffective assistance of counsel, where trial counsel failed to raise
16 constitutional claim that had reasonable chance of success.
17

18 D. *Smith v. Robbins*, 528 U.S. 259 (2000).

19 Appellate counsel ineffective in failing to raise record-based claim that had
20 reasonable chance of success on appeal.

21 Dated: July 3, 2008.

22 Respectfully submitted,

23 

24 KENT A. RUSSELL

25 Attorney for Petitioner
26 MARIO MERINO
27
28

1 List, by name and citation only, any cases that you think are close factually to yours so that they
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning
3 of these cases:

4 See generally Attachment "A", "Supporting Cases".
5
6

7 Do you have an attorney for this petition? Yes X No

8 If you do, give the name and address of your attorney:

9 Kent A. Russell, 2299 Sutter St., San Francisco, CA 94115.

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12
13 Executed on July 2, 2008

14 Date

Mario Merino
MARIO MERINO
Signature of Petitioner

15
16
17
18
19
20 (Rev. 6/02)